

Original**CIVIL COMPLAINT FORM TO BE USED BY A PRO SE PRISONER****IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**Lydell Swinson  
Full Name of Plaintiff      Inmate Number

v.

c/o Smith  
Name of Defendant 1UNIT MANAGER Heenan (ph)  
Name of Defendant 2UNIT MANAGER Larson (ph)  
Name of Defendant 3Superintendent Mason  
Name of Defendant 4~~COUNSELOR~~ Dorio (ph)  
Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

Civil No. 3:24-CV-0591  
(to be filled in by the Clerk's Office)☒ Demand for Jury Trial  
☐ No Jury Trial Demand**FILED  
SCRANTON**

APR 08 2024

PER DJ  
DEPUTY CLERK**I. NATURE OF COMPLAINT**

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

**II. ADDRESSES AND INFORMATION**

**A. PLAINTIFF**

SWINSON, Lydell  
Name (Last, First, MI)

GN-4641  
Inmate Number

SCI. MAHANoy  
Place of Confinement

301 Grey Line Drive  
Address

FRACKVILLE, PENNSYLVANIA 17931  
City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee  
☐ Civilly committed detainee  
☐ Immigration detainee  
☒ Convicted and sentenced state prisoner  
☐ Convicted and sentenced federal prisoner

**B. DEFENDANT(S)**

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

C/O Smith (white, female)  
Name (Last, First)

Corrections officer  
Current Job Title

301 Grey Line Drive  
Current Work Address

FRACKVILLE, PA. 17931  
City, County, State, Zip Code

Defendant 2:

Heenan (ph), UNIT manager  
Name (Last, First)

UNIT manager  
Current Job Title

301 Grey Line Drive  
Current Work Address

FRACKVILLE, PA. 17931  
City, County, State, Zip Code

Defendant 3:

LARSON (ph) (UNKNOWN)  
Name (Last, First)

UNIT manager  
Current Job Title

301 Grey Line Drive  
Current Work Address

FRACKVILLE, PA. 17931  
City, County, State, Zip Code

Defendant 4:

B mason, Bernadette  
Name (Last, First)

SUPERINTENDENT  
Current Job Title

301 Grey Line Drive  
Current Work Address

FRACKVILLE, PA. 17931  
City, County, State, Zip Code

Defendant 5:

Dario (ph) (UNKNOWN)  
Name (Last, First)

COUNSELOR  
Current Job Title

301 Grey Line Drive  
Current Work Address

FRACKVILLE, PA. 17931  
City, County, State, Zip Code

### III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

AT SCT. MAHANOY ON A-A-BLOCK. PLAINTIFF WAS A C.P.S. worker when he was FIRED IN RETALIATION FOR EXPRESSING his political views about DONALD TRUMP.

B. On what date did the events giving rise to your claim(s) occur?

PLAINTIFF WAS FIRED FROM HIS C.P.S. JOB ON OR ABOUT APRIL 5, 2022

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

1) APPROXIMATELY 7 TO 10 DAYS (DATE UNKNOWN) PRIOR TO BEING FIRED PLAINTIFF (AN AFRICAN AMERICAN MALE) WAS HAVING A CONVERSATION WITH OTHER AFRICAN AMERICAN INMATES ABOUT THE POLITICAL CLIMATE HERE IN AMERICA

2) PLAINTIFF STATED: "TRUMP IS AN IDIOT. HE IS NEVER GOING TO BE PRESIDENT AGAIN BECAUSE THEY ARE GOING TO PUT HIM IN JAIL FOR THAT JANUARY 6 SHIT AND ALL THE OTHER CRIMES HE IS ACCUSED OF."

3) DEFENDANT SMITH HEARD AT LEAST PART OF MY COMMENT AND BECAME IRATE, ORDERED ~~THE~~ PLAINTIFF TO: "SHUT THE FUCK UP BEFORE I PUT YOU IN THE HOLE." DEFENDANT SMITH ALSO TOLD PLAINTIFF: "YOU ARE GOING TO REGRET THAT".

4) PLAINTIFF DID AS HE WAS ORDERED AND WENT INTO HIS CELL TO GET AWAY FROM DEFENDANT SMITH.

5) Days later, plaintiff was called to the Guard's Desk and told by Defendant Smith to go into the "Activity Room" and talk to inmate Shaquille Tillman (NP-6149).

6) Plaintiff entered into the "Activity Room" alone (without guard escort) and as soon as inmate Tillman saw plaintiff he said: "I don't want to talk to no C.P.S., I need to talk to a psych ("psychologist")."

7) Plaintiff left the "Activity Room", returned to the guard's desk, and informed Defendant Smith that inmate Tillman did not want to talk to him. Plaintiff also told Defendant Smith that inmate Tillman wanted to see a psychologist.

8) After reporting to Defendant Smith what inmate Tillman said, plaintiff walked away.

9) For all intent and purposes, if an inmate refuses to talk with a C.P.S. worker, there is nothing for the C.P.S. worker to do except report the information to the Block officer and let the Block officer deal with the situation.

10) On or about April 5, 2022, plaintiff was called into the Activity Room, where various staff members were present, and told by C-Block unit manager Defendant Heenan (ph) that plaintiff was

(12)

fired from his C.P.S. Job.

11) On or about April 8, 2022, Plaintiff filed Grievance # 975343 avering that Defendant Smith initiated the removal of Plaintiff from his C.P.S. Job by lying to the Plaintiff's C.P.S. Supervisor(s).

12) Defendant Smith reported that she personally witnessed that Plaintiff refused to see INMATE TILLMAN while TILLMAN was in crisis.

13) The report of Defendant Smith is easily discredited based upon the video footage of the A-A-BLOCK video camera system.

14) The False report of Defendant Smith was substantially motivated by Plaintiff's political views in relation to Donald Trump.

15) Plaintiff addressed the issue of the UNWARRANTED taking of his Job (via INMATE Request slip) with Defendant Dorio (ph), Defendant Heenan(ph), Defendant Larson (ph) and Defendant Mason.

16) Each of these Defendants are in a position to investigate the False Report of Defendant Smith and to reinstate Plaintiff's Job, but failed to do so.

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CONTINUED

17) Shortly after plaintiff lost his C.P.S. Job... he was transferred to B-A-BLOCK.

#### IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

18) paragraphs 1 Through 17 are hereby incorporated by reference as if set forth at length.

19) The allegations against Defendant Smith sufficiently demonstrate a cause of action for retaliation against plaintiff for exercising his CONSTITUTIONAL right to Free speech.

20) The allegations against Defendants Heenan(ph), Larson(ph), Diorio(ph), and Mason. sufficiently demonstrate a cause of action for conspiracy to retaliate against plaintiff for exercising his CONSTITUTIONAL right to Free speech.

#### V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above. Plaintiff suffered the loss of job, wages, and has been Regulated to only being eligible for low paying jobs. Plaintiff also suffered being moved to another block and the loss of privileges unique to A-A-Block

#### VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.


Plaintiff Requests an award of AT Least \$20,000.00 = in actual, compensatory, and punitive damages from each defendant.

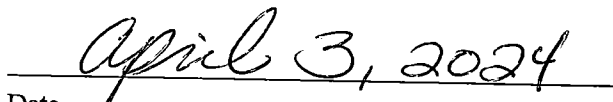


**VII. SIGNATURE**

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

  
Signature of Plaintiff

  
Date

Smart Communications / pr doc  
Lyell Swinson / GN-4641  
P.O. Box 33028  
St. Petersburg, FL 33733



7022 0410 0002 1422 1899



INMATE MAIL  
PA DEPT OF  
CORRECTIONS

RECEIVED  
SCRANTON

APR 08 2024

PER

DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the middle District of Pennsylvania  
office of the clerk  
235 North Washington Avenue

P.O. Box 1148

Scranton, PA 18501-1148

